

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Applicants: David L. Brock and Woojin Lee

Serial No.: 09/783,637

Group Art Unit: 3731

Filed: February 14, 2001

Title: Surgical Instrument

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TECHNOLOGY CENTER R3700

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

on 9/3/02 Jennifer A. Tardiff
Date Signature
Jennifer A. Tardiff

Typed or printed name of person signing certificate

REVOCATION OF POWERS OF ATTORNEY
AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS

Assistant Commissioner for Patents
P.O. Box 2327
Arlington, VA 22202

Sir:

endoVia Medical, Inc. (formerly Brock Rogers Surgical, Inc.), a Corporation duly organized under the laws of the Delaware, is the assignee of the entire right, title and interest in the above-identified application. A Certificate of Name Change with Recordation Form Cover Sheet is being filed and a copy is attached. endoVia Medical, Inc. hereby appoints the attorneys and/or agents associated with:

Customer No. 21005

Hamilton, Brook, Smith & Reynolds, P.C.
530 Virginia Road
P.O. Box 9133
Concord, Massachusetts 01742-9133

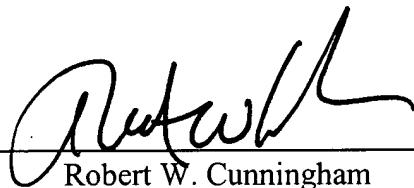
to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Customer No. 21005, Hamilton, Brook, Smith & Reynolds, P.C., 530 Virginia Road, P.O. Box 9133, Concord, Massachusetts 01742-9133. Please direct all telephone calls to James M. Smith at (978) 341-0036, and all facsimile communications to (978) 341-0136.

Respectfully submitted,
endoVia Medical, Inc.

By _____



Robert W. Cunningham

Title _____ President _____

Date _____ 8/30/02 _____



Docket No. 3300.1003-002

STATEMENT UNDER 37 C.F.R. § 3.73(b)

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Applicants: David L. Brock and Woojin Lee

Application No.: 09/783,637 Filed: February 14, 2001

For: Surgical Instrument

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endoVia Medical, Inc., a Corporation,
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is

A. the assignee of the entire right, title and interest in the patent application identified above; or
B. an assignee together with [] of the entire right, title and interest in the patent application identified above. A separate Statement under 37 CFR § 3.73(b) is being submitted.

The right, title and interest of the above-named assignee in the patent application identified above is established by virtue of:

A. An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or a copy thereof is attached.

OR

B. A chain of title from the inventors of the patent application identified above, to the current assignee as shown below:

1. From: David L. Brock and Woojin Lee To: Brock Rogers Surgical, Inc.
The document was recorded in the Patent and Trademark Office at
Reel 011832, Frames 0604-0606.
2. From: Brock Rogers Surgical, Inc. To: endoVia Medical Inc.
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or a copy thereof is attached.

[] Additional documents in the chain of title are listed on a supplemental sheet.

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Date: 8/20/02

Name: Robert W. Cunningham

Title: President

Signature: 

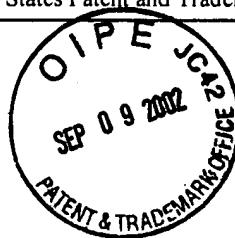
COPY

RECORDATION FORM COVER SHEET

PATENTS ONLY

To the Commissioner, United States Patent and Trademark Office: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies)
Brock Rogers Surgical, Inc.



Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other _____

Execution Date: June 21, 2002

2. Name and address of receiving party(ies)

Name: endoVia Medical Inc.

Internal Address: _____

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Street Address: 150 Kerry Place

City: Norwood State: MA ZIP: 02062

Additional name(s) & address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: _____

A. Patent Application No.(s)

Please see attached list.

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: James M. Smith, Esq.

Internal Address: _____

Hamilton, Brook, Smith & Reynolds, P.C.

Street Address: 530 Virginia Road

P.O. Box 9133

City: Concord State: MA ZIP: 01742-9133

6. Total number of applications and patents involved: [23]

7. Total Fee (37 C.F.R. 3.41)..... \$ 920.00

Enclosed

Authorized to charge any deficiencies or credit any overpayment to deposit account

Authorized to be charged to deposit account

8. Deposit account number:

08-0380

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

James M. Smith

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: [6]

Recordation Form Cover Sheet – Page 2

4A. Patent Application numbers: (con't)

09/375,666
09/746,853
09/827,503
09/783,637
09/827,643
10/014,143
10/012,845
10/008,964
10/013,046
10/011,450
10/008,457
10/008,871
10/023,024
10/011,371
10/011,449
10/010,150
10/022,038
10/012,586
60/332,287
60/344,124
10/034,871
10/077,233
10/097,923

FROM : BPS INC

FAX NO. : 781-255-5525

Aug. 16 2002 01:30PM P3

AUG 15 2002 15:09 FR PALMER & DODGE

TO 917812555525

P.02



Delaware

The First State

PAGE 1

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "ENDOVIA MEDICAL INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE TWENTY-FIRST DAY OF JUNE, A.D. 2002.

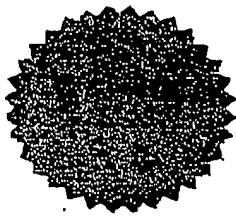
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TECHNOLOGY CENTER R3700

2613174 8300

020400276



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 1844188

DATE: 06-21-02

FROM : BRS INC

FAX NO. : 781-255-5525

Aug. 16 2002 01:31PM P4

AUG 15 2002 15:09 FR PALMER & DODGE

TO 917812555525

P.03



Delaware

The First State

PAGE 1

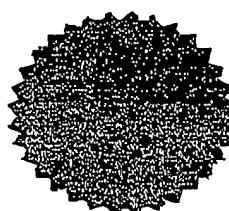
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "BROCK ROGERS SURGICAL, INC.", CHANGING ITS NAME FROM "BROCK ROGERS SURGICAL, INC." TO "ENDOVIA MEDICAL INC.", FILED IN THIS OFFICE ON THE TWENTY-FIRST DAY OF JUNE, A.D. 2002, AT 8:45 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.

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SEP 11 2002

TECHNOLOGY CENTER R3700



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

2613174 8100

AUTHENTICATION: 1844186

020400276

DATE: 06-21-02

FROM : BPS INC

FAX NO. : 781-255-5525

AUG 15 2002 15:09 FR PALMER & DODGE

Aug. 16 2002 01:31PM PS

TO 917812555525

P. 04



**CERTIFICATE OF AMENDMENT OF
AMENDED AND RESTATED CERTIFICATE OF INCORPORATION
OF
BROCK ROGERS SURGICAL, INC.**

Pursuant to Section 242
of the General Corporation Law of
the State of Delaware

Brock Rogers Surgical, Inc., a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), does hereby certify as follows:

By vote of the Board of Directors of the Corporation taken on June 9, 2002, a resolution was duly adopted, pursuant to Sections 141 and 242 of the General Corporation Law of the State of Delaware (the "GCL"), setting forth an amendment to the Amended and Restated Certificate of Incorporation of the Corporation. The stockholders of the Corporation entitled to vote on the proposed amendment have duly approved said amendment by written consent in accordance with Sections 228 and 242 of the GCL. The resolution setting forth the amendment is as follows:

RESOLVED: That ARTICLE FIRST of the Amended and Restated Certificate of Incorporation of this Corporation be and it is hereby amended to change the name of the Corporation from Brock Rogers Surgical, Inc. to endoVia Medical Inc. so that said ARTICLE FIRST shall be and read as follows:

"FIRST: The name of the Corporation is endoVia Medical Inc."

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SEP 11 2002

TECHNOLOGY CENTER R3700

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 08:45 AM 06/21/2002
020600276 — 2613174

FROM : BPS INC

FAX NO. : 781-255-5525

Aug. 16 2002 01:32PM P6

IN WITNESS WHEREOF, this Certificate of Amendment has been executed by the undersigned, a duly authorized officer of the Corporation, as of the 21st day of June, 2002.

BROCK ROGERS SURGICAL, INC.

By: /s/ Robert W. Cunningham
Robert W. Cunningham
President